



STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

JOHN ELIAS BALDACCI
GOVERNOR

PATRICK K. MCGOWAN
COMMISSIONER

March 31, 2010

Becky Blais
Department of Environmental Protection
17 State House Station
Augusta, ME 04333

RE: Calais LNG Terminal Pier and Pipeline, Calais, ME

Dear Becky:

As you know, the Bureau of Parks and Lands (Bureau) has received a copy of the Natural Resources Protection Act Permit application submitted to the DEP by Calais LNG Project Company, LLC. The proposal includes construction of a marine terminal and connecting pipeline to the Maritimes and Northeast pipeline in Baileyville. The proposed pier, unloading platform, and LNG carrier berthing structure are proposed to be located on approximately 9 acres of public submerged lands on the tidal portion of the St. Croix River south of Devils Head. In addition, approximately 3,300 feet of the proposed pipeline between mileposts 7.14 and 8.56 (near the Calais/ Baring Plantation line) is proposed to be located under the St. Croix River. This river section is part of the international boundary with Canada is also public submerged lands.

Calais LNG Project Company, LLC and Calais LNG Pipeline Company, LLC have submitted applications to the Bureau of Parks and Lands requesting lease options so that they may demonstrate an intent to obtain right, title, or interest in submerged lands for the purpose of obtaining the necessary environmental and regulatory permits prior to development. Under the Bureau's rules, a lease option may be granted for a period not exceeding two years. At the end of the lease option and prior to construction, a lease may be issued, subject to the terms of the lease option, for up to 30 years.

The Bureau has notified the applicants that the potential impacts to existing marine uses of the waterway due to the relatively large pier and from LNG carriers and related safety zones both while at berth and in transit will be a key consideration in our review. The Bureau has advised the applicant that we anticipate extending the time period needed to issue a preliminary decision pending completion of the U.S. Coast Guard's assessment of the waterway suitability report and our review of their recommendations.

I hope the above comments are helpful. If you have any questions, please contact me at 287-4919.

Sincerely,

Dan Prichard
Submerged Lands Program
Bureau of Parks and Lands

Cc: David Van Slyke, Esq.





STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

March 5, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act
Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline
Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached.

Please submit the requested information by no later than April 5, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file
Janet Robinson, Woodard & Curran
Art Gelber, Calais LNG
Rich Bard, MDIFW

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.
BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



John E. Baldacci
GOVERNOR

STATE OF MAINE
DEPARTMENT OF INLAND FISHERIES & WILDLIFE
WILDLIFE DIVISION – REGION C
PO BOX 220
JONESBORO, MAINE 04648

Phone (207) 434 - 5927 FAX (207) 434 - 5923



ROLAND D. MARTIN
COMMISSIONER

May 19, 2010

Becky Blais, Project Manager
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: Calais LNG

Dear Becky,

The Maine Department of Inland Fisheries and Wildlife (MDIFW) has nearly completed its review of sections of the Calais LNG Site Location of Development permit application that pertain to Wildlife resources. Comments on Fisheries resources will be delivered separately.

MDIFW's review focused primarily on impacts to Significant Wildlife Habitats, as defined by the Natural Resource Protection Act, and rare, Threatened and Endangered Species.

In our opinion, Calais LNG has adequately addressed potential impacts to Significant Wildlife Habitat and rare, Threatened and Endangered Species in the design of their project by avoiding these resources where possible, minimizing impacts where they can't avoid them and by compensating for unavoidable impacts. The wildlife resources affected and how the project has addressed the impacts are described below:

Vernal Pools

Calais LNG surveyed all potential vernal pools within the proposed construction corridor, and along unpaved access routes to the corridor. The preferred pipeline corridor was modified to avoid all Significant Vernal Pool (SVP) depressions and the 250 foot upland habitat zone around them. In addition, erosion control and other Best Management Practices (BMPs) will be employed within 750 feet of the depression, further minimizing impacts.

The 250 foot upland habitat zone of an SVP will be impacted at the terminal site. New disturbance totaling 0.87 acres is expected. Similar to vernal pools along the pipeline route, BMPs will be employed within 750 feet of the depression to minimize impacts. Contributions to the In-Lieu-Fee fund will compensate for these unavoidable impacts. In addition, an unneeded gravel road will be graded and planted with a shrub mix to restore previously disturbed upland habitat. *MDIFW recommends that Calais LNG consult with Phillip DeMaynadier, MDIFW Reptile and Amphibian Group Leader, about the shrub species choice and layout prior to performing the work.*

The only outstanding section of the application that has not been reviewed is the vernal pool survey forms. Each of the more than 100 forms will be individually checked for completeness and accuracy before we can provide final recommendations on the Significance of each pool. We expect to complete this task in the coming weeks.

Inland Waterfowl/Wading Bird Habitat

Calais LNG has planned their preferred pipeline route to avoid nearly all Inland Waterfowl/Wading Bird Habitats (IWWH). The pipeline will cross two IWWH.

Approximately 1.38 acres of IWWH 203205 will be affected by the pipeline. BMPs, as described in the application, will be employed to minimize impacts, including no disturbance during the breeding season between April 15 and July 31. Temporary construction spaces will be restored when the pipeline is complete.

IWWH 202464 will be crossed by Horizontal Directional Drilling. The habitat won't be affected and wildlife use of the area is not expected to change.

Compensation for unavoidable impacts includes land preservation and a contribution to the In-Lieu-Fee fund.

Deer Wintering Areas

The pipeline will cross one potential Deer Wintering Area (DWA), near Conic Stream in Baring. During the course of Calais LNG's preliminary planning and application phases, this area was surveyed by MDIFW for wintering deer use and found not to qualify as a Significant Wildlife Habitat. However, a small group of deer does rely on the Conic Stream area for shelter during harsh winter conditions. Calais LNG agreed to relocate the original proposed pipeline to leave the largest possible area of intact wintering shelter (mature conifer cover). A number of additional measures, as described in the application, will minimize impacts to deer. No compensation for unavoidable impacts is necessary since the area is not a Significant Wildlife Habitat.

Bald Eagle Nesting Territories

As anticipated in the application, bald eagles have been removed from the state list of Threatened and Endangered Species, and are now considered a species of special concern. There are several bald eagle nesting territories near the terminal site and along the pipeline corridor. Calais LNG has done some ground reconnaissance and documented eagle activity as part of their preliminary planning to avoid known resources. It will be important to ensure that construction of the terminal and pipeline does not disrupt courting, nesting and brood rearing activities of eagles that may establish new nests or occupy former nests that are near the project. *MDIFW recommends that aerial surveys of the terminal site, pipeline corridor and a buffer distance around these facilities (to be determined in consultation with MDIFW) be surveyed from an airplane or helicopter during the breeding season prior to the beginning of construction. Calais LNG should consult with Charlie Todd, MDIFW raptor biologist, prior to initiating the surveys to be sure that the timing, methods and personnel involved are appropriate.*

Thank you for the opportunity to comment on this project. Feel free to contact me with any questions you may have about these comments.

Sincerely,



Asst. Regional Wildlife Biologist

Cc: Steve Timpano, MDIFW Environmental Review Coordinator



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

June 18, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act
Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline
Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached.

Please submit the requested information by no later than July 16, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file

Janet Robinson, Woodard & Curran
Art Gelber, Calais LNG
Rich Bard, MDIFW

AUGUSTA

17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR

106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND

312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE

1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

**Calais LNG Corridor Project
Vernal Pool Review 6/18/2010**

General Issues/Questions

- 1) The following issues are raised in conflict to what is stated in the **Vernal Pool Evaluation Plan** (Survey Methodology) submitted to IFW (see Appendix E):
 - a. Section 2.0, #2: Identify an Optimal Survey Window: **“all sites visited prior to 5/12/2008 were surveyed a second time for additional SS egg masses...”**: there is only 1 data sheet with a survey date prior to 5/12 and this site has only the one earlier visit recorded; which sites were revisited and where is the data?
 - b. Section 2.0, #4: Conduct Salamander Survey: **“following the completion of the wood frog survey, all suspected VPs were revisited to observe SS/BSS abundance and reproduction”**: only one site visit date is listed for all VPs; also, the report states that **“if [abundance criteria] were met for SS/BSS, the pool was documented as a possible SVP and documented on the April 2008 SVP form”**: there are no data forms with April 2008 survey dates
 - c. Section 2.0, #6: Monitor for state-listed Rare, Threatened, or Endangered Species: **“The wood turtle was the only special status species found in the vicinity of the project area”**: wood turtles are not noted on any of the vernal pool survey forms submitted (bis: report may be misleading? (i.e., may mean generally speaking, not specific to pool surveys); clarify with consultant and request site specific data if in fact wood turtles were observed
 - d. Section 2.0, #7: 2009 Additional Field Work: the report indicates **“several VPs identified in 2008 were rechecked”**; and **“the status of 8 VPs identified in 2008 was modified based on 2009 observations”**: there are no 2009 data sheets for 2nd visits to any of the 2008 pools (modifications included 5 upgrades to VP based on presence of indicator species, 2 determined to not meet criteria for VP based on “disturbed nature” (bis: would not necessarily disqualify if natural), and 1 downgrade to non-VP); there are only 2 data sheets for 2009 pool visits, and these were new pools not surveyed in 2008
- 2) Appendix F (tabular summary of “Potential, Non-, and Disturbed Vernal Pools”): data sheets were not submitted for any of these pools – IFW unable to QC the determination or database the survey results. Survey forms (with relevant photos) are requested by IFW for the following pools listed in Appendix F:
 - a) **Natural pools meeting the egg mass abundance criteria** = 14-5
 - b) **All other waterbodies meeting the egg mass abundance criteria** = 8-11, vvp59
 - c) **Waterbodies close to meeting the egg mass criteria where comments do not confirm unnatural origin** (i.e., given the consistent uncertainty of pool origin determination and potential for late survey; survey dates not given or unclear) = 14-3, 7-9-1, dvp11, dvp14, vvp63
 - d) **All other natural (as defined by observer) pools assessed where egg masses and/or tadpoles were present** = 1-2, dvp18, nvp3.4, nvp16, nvp3.2, nvp3.3, nvp3.6, pvp17, pvp20, pvp21.
- 3) There are no large-scale aerial photos (or maps) included in the report for each vernal pool (all data sheets indicate a large scale aerial photo with the pool marked is being provided)
- 4) The following pools do not have a pool size given: VP28, VP31, VP38, VP40, VP42, VP44, VP47, VP48, VP50, VP51, VP52, VP54, VP55, VP56, VP57, and VP59; are the shapefiles of all pools included on the CD in Appendix G?
- 5) Clarify the three “Mitigation Site” vernal pools (i.e., are these being used as mitigation for loss of vernal pool habitat, or is this just a site name unrelated to vernal pools?; if the former – IFW needs to review pool values)
- 6) Confirm that all corridor “straddler” pools were in fact completely surveyed vs. just the portion within the corridor ROW (all data sheets indicate the entire pool was comprehensively surveyed for egg masses).

- 7) Confirm that the vernal pool ID numbers missing in the sequence of survey forms and Table 2 (#s 1-3, 37, 39, 58) are not missing data (i.e., these pool numbers were not assigned?)

Observer Issues

- 1) consistently checked “natural modified” for the origin of pools created by human activity (e.g., skidder ruts, man made pool, scrapes, etc) that had become “naturalized”; on the contrary, occasionally did not check “natural modified” when text indicated a natural pool had been disturbed; needs a brush up on “origin” determination
- 2) under Methods of Verification, used the multiple columns provided for different survey dates to instead record multiple verification methods for the same visit

Timing Guidelines

IFW used the following guidelines for flagging a pool as Potentially Significant (PSP), based on ~2 week later than normal season in 2008 vs. recommended survey window for northern/central ME and considering the timing of a majority of project survey dates, combined with a general lack of information about wood frog egg mass maturity:

Pools surveyed prior to 5/12/08: if ≥ 10 SS egg masses = PSP

Pools surveyed after 5/10/08: if more than a “few” WF tadpoles are present, or no numbers are indicated = PSP

**SPECIFIC VERNAL POOL ISSUES
AND
COMPARISON OF POOL DETERMINATIONS**

Note: Pools highlighted in yellow require clarification and/or additional information from observer before pool determination can be made or data processed. Where IFW determinations differ from LNG, text is recorded in **RED**.

VP ID	LNG	IFW	COMMENTS
1TS	NSP		clarify pool origin: no explanation for "unnatural"; soils, vegetation, inlet/outlet choices typical of ephemeral or semi-permanent hydrology; "in-stream" and "hanging culvert nearby" comments unclear in relation to origin; photo useless; meets abundance criteria for SVP (29SS)
2TS	NSP	NSP	
3TS	SVP	SVP	>50 SS
1MS	--		no data form submitted; Table 2 in LNG report indicates pool meets criteria for SVP
2MS	--	SVP	>20 SS; the three Mitigation Site pools were not rated in the report (Table 2)
3MS	--	NSP	
4	NSP	NSP	
5	NSP	NSP	
6	NSP	NSP	
7	SVP		observer confidence level = 2; clarify pool origin: comments ("Located along existing unpaved roadway. Road maybe causing elevated inundation.") imply possible natural modified or even unnatural origin; photo is not helpful; meets abundance criteria for SVP (>20SS)
8	NSP	NSP	
9	NSP	NSP	
10	NSP	NSP	
11	NSP	NSP	
12	NSP	NSP	
13	NSP	NSP	
14	NSP		clarify pool origin: "natural" selected but photo and comments imply disturbed by logging and possible "unnatural" origin (i.e., skid road) – unless photo is only of disturbed portion?; meets abundance criteria for SVP (29 SS)
15	NSP	NSP	
16	SVP	SVP	20 SS
17	NSP	NSP	
18	SVP	PSP	no WF egg masses recorded but late survey (5/27) and tadpoles noted as "common"
19	NSP	NSP	
20	NSP	NSP	
21	NSP	PSP	no landowner contact (i.e., no map/lot number) provided; no WF egg masses recorded but late survey (5/27) and tadpoles noted as "many"
22	NSP	NSP	

VP ID	LNG	IFW	COMMENTS
23	NSP	NSP	
24	NSP	NSP	
25	NSP	NSP	
26	NSP	NSP	
27	NSP	NSP	
28	SVP	SVP	>20 SS
29	SVP	SVP	160+ SS, >100 WF (tadpoles?)
30	NSP	NSP	
31	NSP	NSP	
32	NSP	NSP	
33	NSP	PSP	20 WF egg masses recorded and tadpoles noted as "common" on 5/12
34	NSP	NSP	
35	NSP	NSP	
36	NSP	PSP	3 WF egg masses recorded and tadpoles noted as "common" on 5/12
38	NSP	PSP	verify survey date (7/25) – doesn't make sense; as recorded, survey is very late; SS egg masses noted as "common" and WF tadpoles present, with no numbers indicated for either
40	NSP	NSP	observer misidentified egg masses in photo (SS not WF) and number shown doesn't correspond to what's indicated in table
41	NSP	PSP	recently hatched WF egg masses and tadpoles present on 5/9, but no numbers indicated for either; observer misidentified spring peeper as wood frog in photo
42	NSP	NSP	
43	NSP	NSP	
44	NSP	NSP	
45	NSP	NSP	
46	NSP	NSP	
47	NSP	NSP	
48	NSP	NSP	
49	NSP	NSP	
50	NSP	NSP	
51	NSP	NSP	
52	NSP	NSP	
53	NSP	NSP	
54	NSP	NSP	
55	NSP	NSP	
56	NSP	NSP	
57	NSP		clarify pool origin (natural modified); comments indicate possibly unnatural (created by road and pipeline?); choice of "other" for Inlet/Outlet not explained; otherwise meets PSP determination via late survey (5/27) and WF tadpoles present (noted as "common")
59	NSP	NSP	

VP ID	LNG	IFW	COMMENTS
101	NSP		clarify pool origin (natural modified); comments indicate possibly unnatural ("located adjacent to utility line access road impacting hydrology in the area"); too early for SS/BSS (5/1/09) but >1/2 SS egg mass criteria (11); photo raises ?? about egg mass ID (SS vs. BSS) - if all BSS, does meet abundance criteria); should be PSP if origin qualifies
102	NSP		clarify pool origin: same comments ("located adjacent to utility line access road impacting hydrology in the area") as VP101 but origin noted as "natural" (vs. natural modified); only 1 SS egg mass recorded but survey too early (5/1/09); should be PSP if origin qualifies



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

April 6, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act
Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline
Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached.

Please submit the requested information by no later than May 6, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file
Art Gelber, Calais LNG
David Van Slyke, Preti Flaherty

AUGUSTA

17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR

106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND

312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE

1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

Blais Becky

From: Tom Eschner [teschner@woodardcurran.com]
Sent: Wednesday, June 02, 2010 12:01 PM
To: Blais Becky
Cc: Van Slyke, David B.
Subject: Calais LNG - Schedule for Response to DMR Comments

Becky,

Following our conversation yesterday I spoke with members of the project team to confirm our schedule for submitting responses to the DMR comments. Those comments are multi-paged and, as we had discussed during our call, it was important to us to meet with DMR to make sure we were understanding the comments correctly. Several representatives from DMR and the project participated in the meeting, which was held on May

20, 2010 We anticipate providing comments to you no later than June 18, 2010.

Please call if you care to discuss this or if you have questions.

Regards,

Tom

Thomas R. Eschner, P.G.
Senior Project Manager
Woodard & Curran
41 Hutchins Drive
Portland, ME 04102

T: 207/774-2112 x. 3323
F: 207/774-6635

Blais Becky

From: Dube, Norm
Sent: Friday, June 11, 2010 10:52 AM
To: Blais Becky
Subject: RE: Calais LNG

Thanks Becky,

As an FYI, Pat Keliher (Director, Bureau of Sea Run Fisheries and Habitat) and I will be meeting with Janet Robinson and some Calais LNG representatives next Wednesday regarding the Atlantic salmon comments that DMR provided. Brian Swan prepared the letter for Comm. Lapointe's signature (I provided Brian with some language for Atlantic salmon) but I was not copied when the letter was sent out. Brian Swan is on vacation until June 21 and I needed to see the final product before the meeting with Calais LNG.

Norm

From: Blais Becky
Sent: Friday, June 11, 2010 10:40 AM
To: Dube, Norm
Subject: RE: Calais LNG

Hi Norm,

Sounds like you're all set then. Please let me know if you need anything further- that is all that I have for now. I am still waiting on the applicant to provide a response. I should have this information by the end of this month.

Becky Blais
Project Manager
Maine Department of Environmental Protection
Division of Land Resource Regulation

From: Dube, Norm
Sent: Friday, June 11, 2010 10:35 AM
To: Blais Becky
Subject: RE: Calais LNG

Hi Becky,

Got the letter off the DEP website.

Norm

From: Dube, Norm
Sent: Friday, June 11, 2010 10:24 AM
To: Blais Becky
Subject: Calais LNG

Becky,

I'm trying to track down DMR's comment letter on Calais LNG's NRPA application. Would you happen to have an electronic copy that you can send to me? Thanks!

Norm

Blais Becky

From: Waddell, David A
Sent: Friday, June 11, 2010 12:18 PM
To: Blais Becky
Subject: Calais -Calais LNG

I have reviewed the additional information submitted by the applicant in response to my memo of 5/14/2010 and dated 6/9/2010. I have found that this response has addressed all of my concerns with this project at this time and that the project appears to meet the standards set forth in the Chapter 500 rules. I recommend approval of the project in its current form.

6/11/2010



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

Request for Project Review

TO: David Waddell, DWM

FROM: Becky Blais, Project Manager **DATE:** June 10, 2010

This constitutes a request for your agency's review of the project identified below and your submission of comments in accordance with our Memorandum of Agreement on Project Reviews. Questions may be directed to the DEP Project Manager, Becky Blais, Bureau of Land & Water Quality, at 446-2564/becky.blais@maine.gov.

The deadline for agency comments is **June 30, 2010** or *ASAP*.

Project		Applicant	
Number:	#L-24843-26-A-N, L-24843-TG-B-N, L-24843-IW-C-N, L-24843-L6-D-N, and L-24843-4P-E-N	Name:	Calais LNG Project Company, LLC & Calais LNG Pipeline Company, LLC, Art Gelber
Name:	Calais LNG terminal facility and pipeline	Contact:	Tom Eschner
Location:	Calais	Tel #:	774-2112
Note to Reviewer: The Department has received and is processing this application. Please let me know if you have not yet received a copy, or if you have any questions or comments. Thank you!			

After a thorough review of the above project, as presented to us, and consideration of our agency's standards, programs and responsibilities, the following comments are submitted to the Department of Environmental Protection.

☐ Check if requesting copy of draft Findings of Fact and Order.
(Comments must be signed and dated in order to be accepted by this Department)(if additional space is needed, please attach another sheet).

SIGNATURE: _____ **DATE:** _____

June 9, 2010



Becky Blais
Division of Land Resource Regulations
Bureau of Land & Water Quality
Department of Environmental Protection
State of Maine
17 State House Station
Augusta, ME 04333-0017

Subject: Site Location of Development Law and Natural Resources Protection Act Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline Company, LLC, Calais
Response to MEDEP Comment letter dated May 14, 2010

Dear Ms. Blais:

This letter is to respond to the comments provided to you by David Waddell in a Technical Review Memorandum dated May 14, 2010. Mr. Waddell's comments specifically reference Section 12 of the Site Location of Development (SLOD) Permit application submitted to you in January 2010.

In response to Mr. Waddell's May 14 Technical Memo we have revised our April 26, 2010 response to comments and now address areas of process gravel as subject to Chapter 500 regulations. The Technical Memo clarifies that these areas are in fact jurisdictional, but are considered by the Department to be treated and to provide minimal runoff. Areas that are minimally maintained or riprapped are not considered developed, and so are non-jurisdictional. These non-jurisdictional areas are included in the table of Terminal Site Areas below to fully account for the 69 acres of the facility footprint. Further, the Impervious and Non-Impervious Total Area figures have been corrected.

Terminal Site Areas

Description	Developed/Disturbed Area (acres)	Impervious Area (acres)	Non-Impervious Area (acres)
Minimally maintained/riprap (non-jurisdictional)	23.9	0	23.9
Area Regulated per Wastewater Discharge Permit	19.9	13.6	6.3
Area Regulated per Chapter 500 Regulations	25.2	16.1	9.1
Total Area	69.0	29.7	39.3

The revised version of SLOD Table 12-11 presented below corrects the information provided in the January 27, 2010 SLOD submittal.



SLOD Table 12-11 rev: Comparison of Treatment Provided vs. Chapter 500 Requirements

	Total Developed	Impervious	Non-Impervious
	acres	acres	acres
Total Area	25.2 (1,096,916sf)	16.1 (702,324sf)	9.1 (394,582sf)
Total Area Treated	23.3 (1,016,988sf)	15.7 (685,663sf)	7.6 (331,325sf)
% of Total Area Treated	92.5%	97.5%	83.5%
% Requirement by Chap. 500	80%	95%	N/A
Minimum Area Treated?	Yes	Yes	N/A

Thank you for the opportunity to provide responses to Mr. Waddell's comments on the stormwater aspects of the proposed project. We trust the responses will adequately address his concerns, but please do not hesitate to contact us if you need further information or clarification.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in black ink, reading "Thomas R. Eschner".

Thomas R. Eschner
Project Director

TRE/gdv
219431.02

Enclosure(s)

cc: Art Gelber, Calais LNG
David Van Slyke, Preti Flaherty
File



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

May 17, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act
Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline
Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached. Please confirm that these comments regarding stormwater are accurate.

Please submit the requested information by no later than June 10, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file
Art Gelber, Calais LNG
Sarah Nicholson, Woodard & Curran

AUGUSTA

17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR

106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND

312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE

1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

Site Location of Development
TECHNICAL REVIEW MEMORANDUM
Bureau of Land and Water Quality

TO: **Becky Blais, Project Manager**
FROM: **David A. Waddell -- Division of Watershed Management**
DATE: **May 14, 2010**
RE: **Calais – Calais LNG**

The following is a response to your questions related to my memo of May 4 2010 on the Calais LNG project.

The total amount of impervious area according to the applicants April 26, 2010 response to comment is outlined on page 3 and titled Terminal Site Developed Areas. Though this table has accurate values the determination of the jurisdictional area is not correct. Areas that in the table are determined to be minimally maintained or riprapped are not included in the developed area calculations. Areas that are process gravel are jurisdictional under impervious area and developed area. In a letter dated June 5, 2008, the department determined that the process gravel used at electrical substations in most cases resulted in less runoff and provided treatment similar to a DEP approved soil filter.

For this project, a portion of the developed area is treated in the process water pond regulated under the individual Wastewater Discharge Permit for the project. This permit is an effluent based discharge permit and has standards for discharge based on the receiving water body and its capacity. This process is different than the standards applied under chapter 500 which are treating the 95% of the project's impervious area and 80% of the project's developed area with Best Management Practices that are expected to remove 80% of the annual TSS load. It is the department's consideration that the area treated under the individual Wastewater Discharge Permit meets or exceeds the Chapter 500 standards.

As a result of these changes the total amount of impervious area for the project is 29.7 acres and the total amount of developed area for the project is 45.1 acres. The impervious area expected to meet the Chapter 500 standards is 16.1 acres. The developed area expected to meet the Chapter 500 standards is 25.2 acres.

I have re-presented the Terminal Site Developed Areas table below with updates that more correctly reflect the jurisdictional area and treatment provided.

Description	Developed Area (acres)	Impervious Area (acres)
Area Regulated per Wastewater Discharge Permit	19.9	13.6
Area Regulated per Chapter 500 Regulations	25.2	16.1
Total Developed Area	45.1	29.7
Total Area Treated	23.3	15.7
Percent Treatment	92%	97%

Blais Becky

From: Waddell, David A
Sent: Friday, May 14, 2010 5:37 PM
To: Blais Becky
Subject: Calais -Calais LNG additional comments.
Attachments: Calais - Calais LNG 3.doc

Here are my completed comments for you. They should probably go to the applicant's agent. I would hold off until you get a reply from Gregg Wood and staff to be sure that we are all on the same page with the wastewater discharge permit and the chap 500 standards.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

March 30, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act
Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline
Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached.

Please submit the requested information by no later than April 26, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file
Art Gelber, Calais LNG
Sarah Nicholson, Woodard & Curran

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

Site Location of Development
TECHNICAL REVIEW MEMORANDUM
Bureau of Land and Water Quality

TO: **Becky Maddox, Project Manager**
FROM: **David A. Waddell -- Division of Watershed Management**
DATE: **March 29, 2010**
RE: **Calais – Calais LNG**

APPLICANT: Calais LNG Project Company, LLC & Calais LNG Pipeline Company, LLC

DEP#: L-24843-26-A-N, etc....

Town: Calais

Engineer who prepared application: Stormwater – Woodard and Curran

Parcel Size: 337 acres

Site Description: Woods and wetlands over sight with moderate slopes to the tidal St.Croix River.

Project description: Construction of a LNG receiving, storage, and vaporization terminal, and pipeline.

Size of new impervious area: ?? acres

Size of new developed area: ?? acres

Watershed (waterbody): tidal St.Croix River / Atlantic Ocean

Watershed type: other

PLANS USED FOR REVIEW:

Pre-development: Figure 12-1 and 12-2, Pre-development Topographic and Watershed Plan, dated January 2010.

Post-development: Figure 12-3A, B, C, and 12-4, Post-development Culvert, Catch Basin, and Watershed Plan, dated January 2010.

Erosion and Sediment Control Plans: Figures 12-5A-H, "Grading Plan," dated January 2010

Note: Other plans may have been reviewed that are not noted here.

STORMWATER MANAGEMENT

The applicant is proposing a LNG receiving, storage, and vaporization terminal, and associated pipeline referred to as Calais LNG. This project lies within the watershed of the St.Croix River and its tributaries. This proposed project will create 21 acres of developed area and 12 acres of impervious area. This project has been determined to trigger the Site Location of Development Act and must meet the Basic, General, and Flooding Standards. This project is being reviewed under the 2006 Stormwater Management rules and the design and sizing of the proposed BMPs for this project are based on the "Stormwater Management for Maine" January 2006.

Stormwater quality treatment will be achieved with a road side buffer and eight vegetated underdrained soil filters.

Stormwater flooding mitigation will be achieved with variances and reduction in the curve number for associated areas.

The following comments need to be addressed:

BASIC STANDARDS:

Note: As always the applicant's erosion control plan is a good starting point for providing protection during construction. However, based on site and weather conditions during construction, additional erosion and sediment control measures may necessary to stop soil from leaving the site. In addition, other measures may be necessary for winter construction. All areas of instability and erosion must be repaired immediately during construction and need to be maintained until the site is fully stabilized or vegetation is established. Approval of this plan does not authorize discharges from the site.

CMP substations. Please provide a design spec and detail on the detail figures for review and construction purposes. Are these sites covered in the narrative?? Please direct me to the section on these sites since I may have missed it.

13. On detail 7 / 12-6A the detail shows both option one and option two for the vegetated underdrain soil filter. In the table directly below please identify which option is being proposed since elevations depend on the option.
14. Cross Section A shown on Figure 12-6A does not appear to reflect the grading depicted on Figures 12-5G. Please confirm that this cross section is correct.
15. **Proposed Condition:** The applicant will retain the services of a professional engineer to inspect the construction and stabilization of the grassed underdrained soil filters to be built on the site. Inspections shall consist of an appropriate number of visits to the site to inspect the underdrained soil filter's underdrain construction, filter material placement and compaction, fabric layment, and stormwater overflow bypass construction from initial ground disturbance to final stabilization of the filter. If necessary, the inspecting engineer will interpret the filter's location and construction plan for the contractor. Once the filter is constructed and stabilized, the inspecting engineer will notify the department in writing within 14 days to state that the filter has been completed. Accompanying the engineer's notification must be a log of the engineer's inspections giving the date of each inspection, the time of each inspection, the items inspected on each visit, and include any testing data or sieve analysis data of the filter media. An inspection of the grassed underdrained soil filter shall also be performed by a professional engineer one year after the final stabilization of the filter. The engineer will notify the department as to the filter's effectiveness and determine any maintenance items that are needed.

FLOODING STANDARDS

Stormwater peak flows are being taken care of in various ways for this site. The terminal site itself drains directly to the Atlantic Ocean. The applicant is applying for a waiver under the peak flow flooding standard for the terminal site itself. (Chapter 500, section 4E(2)(a)) Flow from the project discharges across the applicant's own property directly into the ocean at various locations.

The pipeline, Interconnect Facility, and Mainline Valve site deal with peak flows by reducing the associated curve number for the cover type. Curve numbers relate directly to the amount of runoff produced by a site. Subsequently, if the curve number for the site is reduced or remains the same then the amount of runoff from the site reduces or remains the same. For example, woodlands in the good condition transformed into brush lands in the good condition results in a reduction in the curve number and the anticipated amount of runoff. For the Interconnect Facility, and Mainline Valve site bedding material / gravel proposed to be used has a curve number lower than the pre-development condition.

For the terminal site, the applicant has provided a complete stormwater analysis of the conveyances structures including all culverts and catch basins.

Approval recommended for this section.

MAINTENANCE:

NOTE: The applicant and contractor will be responsible for the maintenance of all proposed stormwater management structures, i.e. ponds, swales, culverts and discharge outlets during construction. Thereafter, each stormwater management structure should be cleaned and cleared of debris yearly at a minimum. Sweeping of all pavements is recommended on an annual basis. The DEP may request to inspect the site at a future date.

For this project, Calais LNG management and maintenance staff shall be responsible for the long-term inspection and maintenance of the stormwater management system according to the plan provided by the applicant.

Approval recommended for this section.

DESIGN REVIEW RESPONSIBILITY

Blais Becky

From: Darling, Cyndi W
Sent: Monday, June 07, 2010 8:43 AM
To: Blais Becky
Subject: RE:

The solid waste reviews are mainly based on disposal capacity. So, rather than make the applicant identify where the MSW brought to the Baileyville transfer station (by definition, all waste is transferred from the t.s. to a disposal site) is transported for disposal, I just filled that blank in. Baileyville's municipal solid waste is transported to the Penobscot Energy Recovery Company incinerator in Orrington for disposal.

Cyndi Darling
Maine Dept. of Environmental Protection
Bureau of Remediation & Waste Management
Division of Solid Waste Management
Eastern Maine Regional Office
207-941-4580
cyndi.w.darling@maine.gov

From: Blais Becky
Sent: Friday, June 04, 2010 3:05 PM
To: Darling, Cyndi W
Subject:
Importance: High

Hi Cyndi,
Could you please read the following statement to make sure that it is accurate? This is what it appears to be saying in your review comments.

“When completed, the proposed project is anticipated to generate 15 tons of general office solid waste per year. All general solid wastes from the proposed project will be disposed of at the Baileyville Transfer Station, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine. This debris is then hauled to PERC in Orrington for disposal.”

Also, could you please tell me what PERC stands for? Thanks for your time!

Becky

Becky Blais
Project Manager
Maine Department of Environmental Protection
Division of Land Resource Regulation

Blais Becky

From: Blais Becky
Sent: Friday, June 04, 2010 3:05 PM
To: Darling, Cyndi W
Importance: High

Hi Cyndi,

Could you please read the following statement to make sure that it is accurate? This is what it appears to be saying in your review comments.

“When completed, the proposed project is anticipated to generate 15 tons of general office solid waste per year. All general solid wastes from the proposed project will be disposed of at the Baileyville Transfer Station, which is currently in substantial compliance with the Solid Waste Management Regulations of the State of Maine. This debris is then hauled to PERC in Orrington for disposal.”

Also, could you please tell me what PERC stands for? Thanks for your time!

Becky

Becky Blais
Project Manager
Maine Department of Environmental Protection
Division of Land Resource Regulation

Blais Becky

From: Darling, Cyndi W
Sent: Wednesday, June 02, 2010 3:29 PM
To: Blais Becky
Subject: FW: Calais LNG terminal facility & pipeline application; DEP #L-24843-26-A-N

I have reviewed the additional information for the above project, dated April 26, 2010 and submitted in response to my March 26, 2010 comments. The additional information adequately responds to my initial comments, and thus all solid waste provisions for the project have now been adequately addressed.

The Juniper Ridge Landfill in Old Town is operated in substantial compliance with its licenses and the applicable solid waste management regulations, and the landfill has the necessary permits and has adequate capacity to handle the waste streams proposed to be disposed there.

The Baileyville transfer station in Baileyville is operated in substantial compliance with its licenses and the applicable solid waste management regulations, and is licensed to take the wastes proposed to be transported there. MSW, which would include the general office trash described in the application, is hauled to PERC in Orrington for disposal. For the purpose of this type of review, PERC is operated in substantial compliance with its licenses and the applicable solid waste management regulations, and has the necessary permits and adequate capacity to handle the waste streams from this project proposed to be disposed there.

The provisions for handling landclearing debris are acceptable.

Please contact me if you need any additional information.

Cyndi Darling
 Maine Dept. of Environmental Protection
 Bureau of Remediation & Waste Management
 Division of Solid Waste Management
 Eastern Maine Regional Office
 207-941-4580
cyndi.w.darling@maine.gov

From: Darling, Cyndi W
Sent: Friday, March 26, 2010 5:07 PM
To: Blais Becky
Subject: Calais LNG terminal facility & pipeline application; DEP #L-24843-26-A-N

I reviewed section 18 of the above application (the only section I was provided). Unfortunately, insufficient information was provided to complete the review. Section 18 does not include a commitment to use a specific solid waste facility. A letter is included from Juniper Ridge Landfill indicating the facility has the capability and capacity to accept the waste streams expected to be generated by the project, and likewise there are letters from 2 solid waste haulers indicating they are licensed and willing to haul the waste streams expected to be generated by the project. However, there is nothing from the applicant designating where the waste will be hauled. Instead, there is mention of using local unlined landfills, the contact made with JRL, and that "when applicable" waste will be handled in accordance with the SMWRules.

Please ask the applicant to designate where the various waste streams will be hauled for storage and/or disposal so I can provide an evaluation of the suitability of the chosen facilities. Also, I'm certain that the operation waste will include wastes other than office paper (such as food wastes); neither the local CDD landfills nor JRL are licensed to accept this waste.

Please contact me if there are any questions.

6/3/2010

Cyndi Darling
Maine Dept. of Environmental Protection
Bureau of Remediation & Waste Management
Division of Solid Waste Management
Eastern Maine Regional Office
207-941-4580
cyndi.w.darling@maine.gov



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

March 29, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act
Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline
Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached.

Please submit the requested information by no later than April 26, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file
Art Gelber, Calais LNG

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

Blais Becky

From: Darling, Cyndi W
Sent: Friday, March 26, 2010 5:07 PM
To: Blais Becky
Subject: Calais LNG terminal facility & pipeline application; DEP #L-24843-26-A-N

I reviewed section 18 of the above application (the only section I was provided). Unfortunately, insufficient information was provided to complete the review. Section 18 does not include a commitment to use a specific solid waste facility. A letter is included from Juniper Ridge Landfill indicating the facility has the capability and capacity to accept the waste streams expected to be generated by the project, and likewise there are letters from 2 solid waste haulers indicating they are licensed and willing to haul the waste streams expected to be generated by the project. However, there is nothing from the applicant designating where the waste will be hauled. Instead, there is mention of using local unlined landfills, the contact made with JRL, and that "when applicable" waste will be handled in accordance with the SMWRules.

Please ask the applicant to designate where the various waste streams will be hauled for storage and/or disposal so I can provide an evaluation of the suitability of the chosen facilities. Also, I'm certain that the operation waste will include wastes other than office paper (such as food wastes); neither the local CDD landfills nor JRL are licensed to accept this waste.

Please contact me if there are any questions.

Cyndi Darling
Maine Dept. of Environmental Protection
Bureau of Remediation & Waste Management
Division of Solid Waste Management
Eastern Maine Regional Office
207-941-4580
cyndi.w.darling@maine.gov

Blais Becky

From: Wood, Gregg
Sent: Friday, May 21, 2010 10:19 AM
To: Blais Becky
Cc: Cassida, James
Subject: RE: Emailing: Calais LNG for DWRR.htm

Importance: High

Becky: Dave's e-mail is confusing to me. I believe what he is trying to say is that storm water entering the fire pond will be comingled with water produced by the vaporizers resulting in the entire contents of the fire pond being categorized by the Department as process waters. Discharge of the process waters from the fire pond will be permitted by my group and the level of scrutiny and testing is at higher level than what he is looking at from a strictly storm water discharge. If this is what Dave is saying/asking then he is correct.

Do I have the thinking correct?

Gregg Wood
MEPDES Permitting
Division of Water Quality Management
Bureau of Land & Water Quality
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017
ph: 207-287-7693
fax: 207-287-3435
e-mail: gregg.wood@maine.gov

Team because there is only one direction

-----Original Message-----

From: Blais Becky
Sent: Thursday, May 20, 2010 9:29 AM
To: Wood, Gregg
Cc: Cassida, James
Subject: Emailing: Calais LNG for DWRR.htm
Importance: High

Hi Gregg,

Please refer to the attached e-mail, as I need you to clarify the statement made by Dave Waddell as part of his review. The purpose is to make sure that I have a full understanding of the portions of the project that will be permitted under the wastewater discharge permit versus the stormwater permit. Please let me know if Dave's statement is correct or if any changes need to be made. Please respond by the end of the week.

Thanks,

Becky

The message is ready to be sent with the following file or link attachments:

Calais LNG for DWRR.htm

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Blais Becky

From: Blais Becky
Sent: Thursday, May 20, 2010 9:29 AM
To: Wood, Gregg
Cc: Cassida, James
Subject: Emailing: Calais LNG for DWRR.htm

Importance: High

Attachments: Calais LNG for DWRR.htm



Calais LNG for
DWRR.htm (3 KB)...

i Gregg,

Please refer to the attached e-mail, as I need you to clarify the statement made by Dave Waddell as part of his review. The purpose is to make sure that I have a full understanding of the portions of the project that will be permitted under the wastewater discharge permit versus the stormwater permit. Please let me know if Dave's statement is correct or if any changes need to be made. Please respond by the end of the week.

Thanks,

Becky

The message is ready to be sent with the following file or link attachments:

Calais LNG for DWRR.htm

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: Waddell, David A
Sent: Friday, May 14, 2010 5:11 PM
To: Blais Becky
Subject: Calais - Calais LNG

Please forward this statement on to the DWRR staff reviewing the project for them to comment on.

For this project, a portion of the developed area is treated in the process water pond regulated under the individual Wastewater Discharge Permit for the project. In the application this pond is referred to as the "Fire Pond". This permit is an effluent based discharge permit and has standards for discharge based on the receiving water body and its capacity. This process is different than the standards applied under chapter 500 which are treating the 95% of the project's impervious area and 80% of the project's developed area with Best Management Practices that are expected to remove 80% of the annual TSS load. It is the department's consideration that the area treated under the individual Wastewater Discharge Permit meets or exceeds the Chapter 500 standards.

Thanks

Blais Becky

From: Waddell, David A
Sent: Friday, May 14, 2010 5:11 PM
To: Blais Becky
Subject: Calais - Calais LNG

Please forward this statement on to the DWRR staff reviewing the project for them to comment on.

For this project, a portion of the developed area is treated in the process water pond regulated under the individual Wastewater Discharge Permit for the project. In the application this pond is referred to as the "Fire Pond". This permit is an effluent based discharge permit and has standards for discharge based on the receiving water body and its capacity. This process is different than the standards applied under chapter 500 which are treating the 95% of the project's impervious area and 80% of the project's developed area with Best Management Practices that are expected to remove 80% of the annual TSS load. It is the department's consideration that the area treated under the individual Wastewater Discharge Permit meets or exceeds the Chapter 500 standards.

Thanks

Blais Becky

From: Blais Becky
Sent: Monday, May 17, 2010 9:15 AM
To: Wood, Gregg; Rand, Phyllis A
Subject: FW: Calais - Calais LNG

Hi Gregg and Phyllis,

There appears to be some overlap with stormwater discharges between the Chapter 500 Stormwater Rules and the Individual Wastewater Discharge Permit. Please review this statement and let me know if it is accurate, as I will be putting this statement in the Order. Please let me know if I need to make any changes.

Becky Blais
Project Manager
Maine Department of Environmental Protection
Division of Land Resource Regulation

From: Waddell, David A
Sent: Friday, May 14, 2010 5:11 PM
To: Blais Becky
Subject: Calais - Calais LNG

Please forward this statement on to the DWRR staff reviewing the project for them to comment on.

For this project, a portion of the developed area is treated in the process water pond regulated under the individual Wastewater Discharge Permit for the project. In the application this pond is referred to as the "Fire Pond". This permit is an effluent based discharge permit and has standards for discharge based on the receiving water body and its capacity. This process is different than the standards applied under chapter 500 which are treating the 95% of the project's impervious area and 80% of the project's developed area with Best Management Practices that are expected to remove 80% of the annual TSS load. It is the department's consideration that the area treated under the individual Wastewater Discharge Permit meets or exceeds the Chapter 500 standards.

Thanks

Blais Becky

From: Jacobsen, James
Sent: Tuesday, March 30, 2010 3:41 PM
To: Blais Becky
Subject: RE: Calais LNG terminal facility

OOPS!

I was using a Word template, and forgot to get rid of that. It would only pertain to use of an *existing* tank. Please disregard that entire sentence. My bad!

Jim

James A. Jacobsen
Project Manager, Webmaster
Division of Environmental Health
Drinking Water Program
Subsurface Wastewater Unit
286 Water Street, Augusta, ME 04333
Phone: 207-287-5695 Fax: 207-287-3165
<http://www.maine.gov/dhhs/eng/plumb/index.htm>

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, or an authorized agent of the intended recipient, please immediately contact the sender by reply e-mail and destroy/delete all copies of the original message. Any unauthorized review, use, copying, disclosure, or distribution by other than the intended recipient or authorized agent is prohibited.

From: Blais Becky
Sent: Tuesday, March 30, 2010 3:23 PM
To: Jacobsen, James
Subject: RE: Calais LNG terminal facility

Hi Jim,

I just have one question regarding your comments that needs clarification. The last sentence states the following: "The Division strongly recommends that the septic tank be pumped and inspected for integrity". Is this something that you recommend doing on a yearly basis or do they need to follow the manufacturer's instructions? Please clarify.

Thanks again,

Becky

From: Jacobsen, James
Sent: Tuesday, March 30, 2010 3:14 PM
To: Blais Becky
Subject: RE: Calais LNG terminal facility

3/31/2010

Becky,

You're welcome. Sorry about the delay, but I've been preoccupied with rules revisions.

Jim

James A. Jacobsen
Project Manager, Webmaster
Division of Environmental Health
Drinking Water Program
Subsurface Wastewater Unit
286 Water Street, Augusta, ME 04333
Phone: 207-287-5695 Fax: 207-287-3165
<http://www.maine.gov/dhhs/eng/plumb/index.htm>

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, or an authorized agent of the intended recipient, please immediately contact the sender by reply e-mail and destroy/delete all copies of the original message. Any unauthorized review, use, copying, disclosure, or distribution by other than the intended recipient or authorized agent is prohibited.

From: Blais Becky
Sent: Tuesday, March 30, 2010 2:27 PM
To: Jacobsen, James
Subject: RE: Calais LNG terminal facility

Hi Jim,
Thanks for your review of this project.

Becky

From: Jacobsen, James
Sent: Tuesday, March 30, 2010 2:14 PM
To: Blais Becky
Subject: Calais LNG terminal facility

The Division of Environmental Health has reviewed two septic system designs for the subject proposal, dated 12/07/09 by Stephen H. Howell, S.E. It is my understanding that the applicant proposes to install these systems to serve an LNG plant proposed for construction in Calais. One system is designed for 160 gallons per day and would serve a loading platform and control room. The second system is designed for 1,080 gpd and would serve the main plant and ancillary structures.

The system design meets the requirements of the Subsurface Wastewater Disposal Rules for the proposed use, and is acceptable for that use.

Because installation and owner maintenance has a significant effect on the working order of onsite sewage disposal systems, including their components, the Division makes no representation or guarantee as to the efficiency and/or operation of the system. The Division strongly recommends that the septic tank be pumped and inspected for integrity.

3/31/2010

xc: File

James A. Jacobsen
Project Manager, Webmaster
Division of Environmental Health
Drinking Water Program
Subsurface Wastewater Unit
286 Water Street, Augusta, ME 04333
Phone: 207-287-5695 Fax: 207-287-3165
<http://www.maine.gov/dhhs/eng/plumb/index.htm>

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, or an authorized agent of the intended recipient, please immediately contact the sender by reply e-mail and destroy/delete all copies of the original message. Any unauthorized review, use, copying, disclosure, or distribution by other than the intended recipient or authorized agent is prohibited.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

May 7, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act
Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline
Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached.

Please submit the requested information by no later than June 1, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file
Art Gelber, Calais LNG
David Van Slyke, Preti Flaherty

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

REVIEW MEMORANDUM

May 6, 2010

To: Becky Blais, Division of Land Resource Regulation
From: John Hopeck, Division of Environmental Assessment

Re: Calais LNG

- 1) Section 15.2.4 of the application describes pipeline maintenance activities, and specifies mechanical removal of vegetation. This implies that there will be no use of herbicides along the right-of-way, which is consistent with the approved practices of the Maritimes and Northeast pipeline.
- 2) Section 15.3.4 estimates a water usage of approximately 1200 gallons per day. This appears to be within acceptable limits for the site and is not anticipated to result in unreasonable adverse impact on surface waters on or adjacent to the site, or have a significant adverse impact on other wells in the vicinity of the project. I would not necessarily assume that all of the recharge to till overburden will necessarily become recharge to bedrock, due to losses to soil moisture, evapotranspiration, and other factors; the proposed usage may therefore be greater than the estimated 1.6% of bedrock recharge. Water levels reported from the observation wells suggest that many of the wetlands at the site are perched on relatively low permeability overburden, so that withdrawal of groundwater from bedrock is less likely to impact these resources. This section also notes that there will need to be "back up water to fill vaporizers during periodic regular maintenance" and that this water will come from a "storage tank filled from the on-site groundwater system". Is the water required for this tank included in the 1200-gallon-per-day total? Is the tank the 10,000-gallon potable water tank described in Section 16-1? If not, what is the volume of this tank, and when and how often will it need to be filled?
- 3) The Spill Prevention, Control, and Countermeasures Plan in Appendix 15-B is labeled as a draft plan; a final version of the plan should be submitted for review and approval prior to operation of the facility. In particular, this final version should include a completed copy of the table in Section 1.2 of the draft plan, and a complete copy of the Emergency Response Plan (Appendix A). The plan received for review does not contain any procedures for notification of the Department; Department response staff must be notified of any spill within two hours of its discovery by the applicant if the applicant wishes to reduce potential liability. The applicant may make arrangements with the Bureau of Remediation and Waste Management to maintain a spill log and reduce this reporting requirement; if this is done, either a copy of this agreement must be provided to the Site Location project manager prior to operation, or the plan must contain complete information for notification of the Department within two hours. The applicant may subsequently modify the plan by submitting a copy of the

agreement and a revised version of the plan to the project manager. Note that Section 3.2 of this plan discusses visual inspection of water in secondary containment areas prior to discharge. The applicant should note that many hydrocarbon compounds may be present in concentrations exceeding drinking water standards without forming a visible sheen; water from containment should not be discharged to the environment in an area or as a volume likely to adversely impact groundwater quantity. The Department generally recommends use of covered containment areas where practical and consistent with fire codes, or double-walled tanks with drip protection and collision protection, in order to avoid issues with disposal of water from containment structures.

- 4) Section 16.2.1 estimates a withdrawal rate from the St. Croix River of approximately 4.5 cubic feet per second. Table 16-1 indicates an expected withdrawal rate of 0.5 cubic feet per second. This is likely a typographical error, since the other value shown (2000 gallons per minute) is approximately equal to 4.5 cfs.
- 5) Section 16.2.2 states that there are three existing supply wells near the terminal site. Note that the on-site domestic well shown in Figure 16-2 is not the well shown in Figure 15-2, which is apparently the well serving the existing residence near the terminal site. Figure 2-6 in the Hydrogeology Report (Appendix 16-C) appears to show two wells at the site of DB-1, which would be consistent with the discussion in Section 15.4.2 of a contaminated dug well with a replacement well drilled "approximately 50 feet away". Table 2-2 of Appendix 16-C appears to list only drilled wells and does not include the dug well. Wells not to be used as part of this development must be abandoned in an appropriate manner. Dug wells may be filled with clean fill, compacted to the greatest practical extent; drilled wells should be filled with concrete, grout, or the equivalent using a tremie pipe or similar device so that the well is filled from the bottom to the surface or final grade in a manner that minimizes risk of formation of void space in the fill.
- 6) Section 16.3 indicates that a new well will be drilled on this site to provide drinking water for the facility. At this point, the well location does not appear to have been approved by the Department of Health and Human Services. The applicant should provide the Site Location project manger with a copy of the new source approval as soon as it is available, along with copies of the other documentation described in this subsection.
- 7) The figures showing wastewater disposal systems 1 and 2 in Appendix 17-A have been reproduced at scale such that many details are not clearly legible, and at least the figure showing system to appears to have been copied while folded, so that much of the plan is obscured. Complete and more legible copies of these plans should be submitted for review and approval.
- 8) The blasting limits and record keeping proposed is generally consistent with Department standards.

- 9) No soils mapping was required at the terminal site due to the detail of the geotechnical investigation. Soils mapping was performed along the proposed pipeline right-of-way in order to identify limiting soils and to document predevelopment hydrology. No logs of explorations or other documentation has been submitted to support this mapping, and no exploration locations are shown on the soils maps. Some boring logs have been submitted for the preliminary geotechnical investigations in the areas under consideration for horizontal directional drills for the pipeline. It is understood that the final geotechnical investigations in these areas are sometimes not conducted until shortly before construction. These new surveys will need to be submitted for review and approval prior to construction, however.

Blais Becky

From: Hopeck, John T
Sent: Thursday, May 06, 2010 3:57 PM
To: Blais Becky
Subject: calais lng
Attachments: calaislng1.doc

Hi Becky. Here's an electronic version. I'll be out until Thursday or so, but will be checking my email if you have any questions. I plan to go out sometimes soon to verify their offsite well locations along the pipeline and some of their soils work; don't know what we will do about them having no documentation of the soil survey along the pipeline route.

See you next week.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

March 26, 2010

Woodard & Curran
Attn: Thomas Eschner
41 Hutchins Drive
Portland, ME 04102

RE: Site Location of Development Law and Natural Resources Protection Act Applications on behalf of Calais LNG Project Company, LLC & Calais LNG Pipeline Company, LLC, Calais

Dear Mr. Eschner:

The Department has reviewed the application materials you provided in support of the above referenced project. During the review of the application, the Department has determined that additional information or clarification is necessary to verify that the proposed project meets all of the applicable standards. Relevant review comments requesting additional information are attached.

In addition, another question has been raised internally. This question involves the housing of the employees who will be working on the project throughout the construction phase. Please include a brief narrative explaining where all of these employees will be housed while the project is under construction.

Please submit the requested information by no later than April 26, 2010. If you require additional time to provide the information or if you have any questions in regards to the requested information, please contact me immediately to discuss a date for submission of the information or to answer your questions. I may be reached directly at 287-7780 or via email at becky.blais@maine.gov.

Sincerely,

Becky Blais
Division of Land Resource Regulation
Bureau of Land & Water Quality

Cc: file
Art Gelber, Calais LNG

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACCI
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

February 8, 2010

Mr. George H. Williams, Jr., Esq.
Bracewell & Giuliani, LLP
2000 K Street NW
Suite 500
Washington, DC 20006-1872

Project: MHPC #0664-08 – Calais LNG Project Company LLC; FERC Docket No. CP10-____-
000, Resource Report 4: Cultural Resources
Town: Various, ME

Dear Mr. Williams:

In response to your recent request, I have reviewed the information received January 6, 2010 to continue consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act, as amended.

Regarding historic and prehistoric archaeological resources, the Commission concurs with the archaeological findings and recommendations in Resource Report 4. Specifically, we agree that site 97.12/ME 071-15 (overlapping historic and prehistoric sites) are eligible for listing in the National Register. A draft archaeological data recovery plan (Phase III mitigation) and Memorandum of Agreement to incorporate that plan should be prepared and submitted for our review. We agree that sites 97.11 and 97.13 are not eligible for listing in the National Register, and need no further management consideration.

With regard to historic above ground resources (architecture), the following corrections must be made to the "Architectural Survey Report, Calais LNG Project, Washington County, Maine," which is a component of Resource Report 4, before the Commission can review the determinations of eligibility and findings of effect:

1. Forms.

A. No original survey forms have been received to date. All the forms need to be printed on card stock. All forms must be two sided.

B. Photocopies of forms are not acceptable.

C. The forms should not be bound in any manner, nor should they be three-hole punched.

D. On each barn form check at least two options in field # 76; one from the top tier of choices and one from the lower tier of choices. This has not been done for property #'s 14, 19, and 63.

